

STATE HUMAN
RIGHTS COMMITTEE

James Harper, Co-Chair
Natural Bridge
Peter McIntosh, Co-Chair
Charlottesville

Joyce Bozeman
Norfolk
James Briggs
Chester
Carol Gittman
Petersburg
Michael Marsh
Salem
Linda Martin
Hampden-Sydney
Loretta Redelman
Fairfax



COMMONWEALTH of VIRGINIA

DEPARTMENT OF

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Director
Margaret S. Walsh

Kli Kinzie
Executive Secretary

Office of Human Rights
1220 Bank Street
Richmond, VA 23219

P.O. Box 1797
Richmond, VA 23218

Telephone: 804/ 786-3988
Fax: 804/ 371-2308

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Central Office

Commissioner's Board Room, 13th Floor
1220 Bank Street
Richmond, Virginia
Friday, January 25, 2002

ADVOCATES' FORUM

8:00 a.m.

ADVOCATES PRESENT

Mary W. Towle, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Regional IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Ann Petrie, Facility Human Rights Advocate, Northern Va Mental Health Institute
Chris Ruble, Human Rights Advocate, Region I & CCCA

COMMITTEE MEMBERS PRESENT

Jim Harper, Co-Chair
Peter McIntosh, Co-Chair
Joyce Bozeman
Jim Briggs
Carol Gittman
Michael Marsh
Linda Martin

OTHER STAFF PRESENT

Margaret Walsh, State Human Rights Director
Abdulbari "Musa" Ansari, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary

OTHERS PRESENT

Dana M. Johnson, Assistant Attorney General

ISSUES:

Committee members and advocates present discussed new procedures regarding submission of human rights policies, variance requests, personnel issues, sub-committee work, and LHRC composition and proximity to represented consumers.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Jim Harper, Co-Chairman
Peter McIntosh, Co-Chairman
Joyce Bozeman
Jim Briggs
Carol Gittman
Michael Marsh
Linda Martin

STAFF PRESENT:

Margaret Walsh, State Human Rights Director
Musa Ansari, Assistant State Human Rights Director
Kli Kinzie, Executive Secretary
Mary W. Towle, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Regional IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Ann Petrie, Facility Human Rights Advocate, Northern Va Mental Health Institute
Chris Ruble, Human Rights Advocate, Region I & CCCA
Violet Hite, Human Rights Advocate, Central State Hospital
Michael Curseen, Human Rights Advocate, Central State Hospital
Beverly Garnes, Human Rights Advocate, Southside Va Training Center & Hiram W. Davis Medical Center

OTHERS PRESENT:

Dana M. Johnson, Assistant Attorney General
Larry Latham, Executive Director, Central State Hospital
Jim Ayers, Director of Risk Management, Central State Hospital
Mr. Cheatwood, Parent and Authorized Representative to M.T.
Mrs. Cheatwood, Parent and Authorized Representative to M.T.

Co-Chairman Jim Harper announced that Violet Hite is retiring after almost 30 years of service on behalf of the consumers of Central State Hospital and community programs in Region IV. Mr. Harper read aloud and presented a State Board Resolution to Ms. Hite.

CALL TO ORDER:

The January 25, 2002 meeting of the State Human Rights Committee was called to order by Co-Chairman Jim Harper. Mr. Harper lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

Margaret Walsh, State Human Rights Director, introduced Jim Reinhard, M.D., Acting Commissioner, to the committee. Dr. Reinhard thanked the committee for inviting him to the meeting.

Dr. Reinhard served as Clinical Medical Director of Catawba Hospital from August of 1994 to June 1995, then as Director of Catawba until August of 2001. He also served as Acting Director of Central State Hospital from October 1998 to March 1999. In August of 2001 Dr. Reinhard was appointed Assistant Commissioner for the Division of Facility Management for DMHMRSAS. In January of 2002 he was appointed Acting Commissioner.

Dr. Reinhard welcomed the committee to Richmond and stated that he has felt privileged to be a part of the mental health, mental retardation and substance abuse services system in Virginia. He spoke highly of the staff of the department and of the human rights program and expressed his firm conviction that those served in the public sector should have the same quality of care as those served in the private sector.

MINUTES:

The minutes of the December 7, 2001 State Human Rights Committee meeting were approved as amended with one abstention.

APPEAL:

Central State Hospital : M.T

Michael Curseen, Human Rights Advocate for the clients of Central State Hospital, introduced Mr. and Mrs. C., complainants and Authorized Representatives for M.T. Larry Latham, Executive Director of Central State Hospital, introduced Jim Ayers, Director of Risk Management, as spokesperson for the facility.

Co-Chairman Harper summarized the appeals procedure before soliciting for opening comments. At the request of the complainants the appeal was held in open session.

This case came before the State Human Rights Committee on appeal of a decision of the Central State Hospital (CSH) Local Human Rights Committee (LHRC). Members present were Peter McIntosh, Carol Gittman, Jim Harper, Jim Briggs, Joyce Bozeman, Michael Marsh, and Linda Martin. Mr. M.T.'s complaint alleges a violation of the following rights:

Title 12, Chapter 115, Part III, "The Right to Treatment with Dignity" (12 VAC-35-115-50[B][2]); "The Right to Services" (12 VAC-35-115-60 [A] &[B][5,7, &8]); and, "Participation in Decision Making" (12 VAC-35-115-701[8 &10]) of the Rules and Regulations To Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

The LHRC conducted a hearing on October 18, 2001 and issued the following findings on November 7, 2001:

1. The Right to Treatment with Dignity of M.T. was not violated regarding the bodily search but was violated regarding the failure to provide support services to M.T. after such a traumatic event.
2. The Central State Hospital did not violate M.T.'s right to evaluation, treatment and discharge.
3. The rights of M.T.'s authorized representatives to participate in treatment decision making were violated.

The Central State Hospital LHRC also made the following recommendations:

1. Central State Hospital should provide cultural diversity and cultural sensitivity training to all staff (contract and employees) at all levels of the organization. This training, delivered by experts in the area and of sufficient length to be genuinely useful, should include how to balance a meaningful response to individual cultural differences with hospital accreditation requirements and accepted standards of care. A description of the training and a copy of the evaluations of this training should be provided to the LHRC.
2. Central State Hospital should provide a written apology to Mr. K.C. and Mrs. I.C. for not notifying them of the bodily search incident with their son, M.T. A copy of this letter should be given to the LHRC.
3. Central State Hospital should provide a written apology to Mr. King Khalfani of the NAACP for not recognizing their efforts in mediating the conflict between the hospital and the family and ignoring a potentially fruitful avenue for enhancing communication among the parties. A copy of this letter should be given to the LHRC.
4. The Central State Hospital Advocate's Office and the LHRC should review the AR policies and discuss the role of the Advocate in mediating conflicts in communication among the hospital staff and family members. The hospital should request a report on the outcome of these deliberations for dissemination throughout the hospital.
5. Central State Hospital should review with all staff (contract and employees) at all levels of the organization acceptable verbal interactions and record keeping practices that preserve and reflect the patient's right to be treated with dignity and respect. A report of this review should be made to the LHRC.
6. Central State Hospital should retrain as needed all staff (contract and employees, at all levels of the organization) regarding necessary documentation requirements for all types of bodily searches. A report of this retraining should be made to the LHRC.
7. Central State Hospital should review the hospital intake/admissions processes, procedures and policies to ensure comprehensive psycho-social assessments are completed. The hospital should then identify all relevant cultural, religious and lifestyle dimensions of the patient and his or her family and/or authorized representative(s). A report of this review should be made to the LHRC.
8. Because the LHRC perceived a disappointing and suspicious lack of preparedness for fact-finding conference by select hospital employee witnesses, we recommend that Central State Hospital staff (contract and employees, at all levels of the organization) be required to comprehensively review the relevant patient record, and be prepared to fully cooperate with any human rights violation allegation investigations in the future.

Suspected violations of full cooperation should be investigated. Reports of these investigations should be reported to the LHRC.

The motion was made and passed by a vote of 5 : 2 that the SHRC determines the fact finding of the Central State Hospital LHRC to be adequate, and will therefore limit its actions to an appellate review of the findings.

Mr. Michael Curseen, the Human Rights Advocate at Central State Hospital, presented M.T.'s petition, arguments and evidence from the record supporting M.T.'s petition. K.C. and I.C., parents and Authorized Representative of M.T., also presented arguments and citations to the record supporting M.T.'s petition. Mr. Larry Latham and Mr. Jim Ayers issued statements on behalf of Central State Hospital.

The motion was made and unanimously passed that based on Findings 1, 2, 3 and 4, M.T.'s right to treatment with dignity was violated both in terms of the search itself and its conduct.

The motion was made and passed by a vote of 6 : 1 that based on Findings 5, 6 and 7, M.T.'s right to appropriate evaluation, treatment and discharge was violated.

The motion was made and unanimously passed that based on Findings 8, 9, 10 and 11, the rights of M.T.'s authorized representatives, Mr. K.C. and Mrs. I.C., were violated.

The SHRC accepts in full the eight recommendations made by the LHRC in its decision dated November 7, 2001.

REVIEWS:

Northern Va Mental Health Institute LHRC : A.R.

Mary W. Towle, Regional Human Rights Advocate for Region II, described the LHRC proceedings in the case of NVMHI vs. A.R.

The motion was made and unanimously passed that the SHRC would not conduct a fact finding for this case.

Parties to the complaint may appeal the LHRC's findings to the SHRC at a later date.

NVMHI LHRC Personnel Issue

Margaret Walsh, State Human Rights Director, described the circumstances of a Northern Virginia Mental Health Institute Local Human Rights Committee personnel issue. Mary W. Towle, Regional Human Rights Advocate for Region II, and Ann Petrie, Human Rights Advocate for the consumers of Northern Virginia Mental Health Institute answered questions from the committee.

The motion was made and passed with one abstention to invite the parties to the

issue to the March 8, 2002 SHRC meeting for a fact finding.

The motion was made and unanimously passed to suspend the LHRC appointment of William Yolton thru the date of the fact finding.

BYLAWS:

Holiday House of Portsmouth LHRC

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Holiday House of Portsmouth Local Human rights Committee, their bylaws modifications for approval.

The motion was made and unanimously passed to approve the Holiday House of Portsmouth Local Human Rights Committee Bylaws subject to the following modification:

Throughout the entire set of bylaws the phrase, “Rules and Regulations to Assure the Rights of Clients in Community Programs”, should be changed to, “Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services”.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code §2.1-344 A (15) for the purpose of reviewing Local Human Rights Committee nominations.

Upon reconvening in open session, the Committee unanimously passed a motion to appoint the following applicants to their respective Local Human Rights Committees.

T.W. Neumann & Associates

Appointment

Clifford A. Hoffman

Holiday House of Portsmouth

Appointments

Kimberly Benton

Matthew D. Albright

Alexandria CSB

Appointments

Cori Asaka

Rob O’Rourke

Commonwealth Center for Children and Adolescents

Appointment

David Masters

Northwestern CSB

Reappointment
Eileen Martelli

Richmond Tri-Cities

Appointment
Otis Lockhart, Jr.

Richmond Behavioral Health Authority

Appointment
Diane Entizminger

Piedmont Geriatric Hospital

Appointment
Ancer L. Richard

State Human Rights Director's Report:

Margaret Walsh, State Human Rights Director, reported that the General Assembly is in session. There is a bill to have DMHMRSAS license and manage the Medicaid DD Waiver. It is proposed that the Department of Rehabilitative Services would implement the program.

Ms. Walsh also reported on the budgetary cuts to be implemented thru 2004 and briefly discussed the issue of substitute decision makers.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

James H. Harper, Co-Chair

Peter McIntosh, Co-Chair
State Human Rights Committee